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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,033	09/22/2003	Serge Moreau	9680.236US01	7869
23552	7590	09/22/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,033

Applicant(s)

MOREAU, SERGE

Examiner

Chi Q. Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to the applicant's remarks filed on 6/1/2005.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate both reinforcing mesh (in figure 1) and weld joint (figure 14). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taft (US 4,432,178) in view of Morton (US 4,333,280).

In regard claim 1, Taft discloses the claimed invention a framing system 10 for a composite concrete floor, the framing system comprising horizontally extending primary framing members 12 supporting secondary framing members 14 across the primary framing members (see figure 2), said primary and secondary framing members being made of a metallic structural material (see abstract, line 1), each of said secondary framing members 14 having two opposite ends provided with a shoe 46, said shoe being sit to said primary framing members by means of 20, 22 sufficient to provide a shear connection between said concrete floor and said primary framing members (column 3, lines 54-60). However, Taft does not specifically teach the shoe being fixed to the primary framing members by means of a structural joint. Morton teaches framing structures having primary frame member 12, a secondary frame member 16, shoe 40 being fixed on the primary frame member 12 by structural joint of weld 46 (see figure 5). At the time of the invention, it would have been obvious to one having an ordinary skill in the art to combine Taft with Morton for the structural joint such welds. The motivation for doing so would have been to provide more securement for the frame structure.

In regard claim 2, Taft in view of Morton teach the claimed invention as stated; wherein said shoes 46 of each secondary framing member 14 comprise an iron angle having a vertical potion, a horizontal portion being fixed by the structural joint (see rejections above). However, Taft and Morton do not teach specifically the vertical portion of the shoe being fixed by structural joint. At the time of the invention, it would have been obvious to one having an ordinary skill in the art to have the vertical portion of the shoe welded to the frame structure. The motivation for doing so would have been

to provide more securement and strength to reinforce the movement of the frame structures.

In regard claims 3, 4, Taft in view of Morton teach the claimed invention as stated; wherein the structural joint is welded 46 (fig. 5).

In regard claims 5-10, Taft teaches the claimed invention as stated, wherein the secondary framing members 14 have continuous shear connection to the concrete floor (col. 3, lines 54-59); the secondary framing members have a top chord embedded in the concrete floor, thereby providing said shear connection to the concrete floor (col. 4, lines 50-54); said primary framing member 12 is a truss (col. 2, lines 55-56) or a steel beam (at 16 and 18); said secondary framing members are open-web steel joint (col. 3, lines 18-20); said metallic structural material is steel (see abstract).

In regard method claims 11-14, Taft and Morton teach the claimed invention as stated except for the method of erecting a framing system for a composite concrete floor, examiner considers this would have been obvious matter of setting a device because in erecting a framing system, one would obviously provides primary and secondary framing members made of a metallic structural material, each of said secondary framing members having two opposite ends provided with a shoe; place said primary framing members in parallel relation, placing said secondary framing members transversally between said primary framing members with said shoes bearing on the primary framing members, and fixing said shoes to said primary framing members, said secondary framing members have a continuous shear connector; said shear connector is a continuous top chord adapted to be embedded in said concrete floors. And Morton

further teaches the step of fixing shoes on the frame member by welded. Therefore, Taft and Morton would have been motivated to follow these steps to provide a more secure structural joint of the shoes and the more rigidity for the frame system.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

9/16/2005


CQN


Carl D. Friedman
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